

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

EMILY SIMMONS

PLAINTIFF

V.

CIVIL ACTION NO.1:05CV16-GHD-JAD

JIMMY TAYLOR, ET AL

DEFENDANTS

FINAL JUDGMENT


On consideration of the file and records in this action, pursuant to 28 U.S.C. §636(b)(1)(B), an evidentiary hearing having been conducted on October 6, 2005, by the Magistrate Judge pursuant to 28 U.S.C. §636(b)(1)(B), and Spears v. McCotter, 766 F.2d 179 (5 Cir. 1985), the Court finds that the Report and Recommendation of the United States Magistrate Judge dated October 11, 2005, was on that date duly served by first class mail upon plaintiff; that more than ten days have elapsed since service of said Report and Recommendation; and that no objection thereto has been filed or served by said party. The Court is of the opinion that the Report and Recommendation should be approved and adopted as the opinion of the Court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated October 11, 2005, be, and it is hereby, approved and adopted, and that the proposed findings of fact and conclusions of law therein set out be, and they are hereby, adopted as the findings of fact and conclusions of law of the Court.

2. That this case be and hereby is **dismissed without prejudice**.

THIS, the 31st day of Oct., 2005.



CHIEF JUDGE